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AUG 15 2008

OFFICE OF PETITIONS

In re Application of
Dong Tack Suh
Application No. 10/812,342
Filed: March 29, 2004
Attorney Docket No. 51278/RAH/C1015

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)¹, filed November 5, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Final Office Action mailed May 4, 2006. A response was filed June 29, 2006, but by Advisory Action of August 19, 2006, petitioner was advised that the response did not place the application in condition for allowance. A second response was filed September 19, 2006 (certificate of mail date September 14, 2006) with a one month extension of time request. The request only extended the time for response to September 4, 2006, therefore since the response was filed September 19, 2006, the application became abandoned. Accordingly, a Notice of Abandonment was mailed September 6, 2006.

Petitioner has submitted a Request for Continued Examination (RCE) with the instant petition and a supplemental amendment on January 7, 2008 as the submission required under 37 CFR 1.114.

Additionally, a review of the record reveals that a two month extension of time was filed with the instant petition, however, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$465.00 extension of time fee submitted with the petition on November 5, 2006, was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to counsel's deposit account no. 03-1728.

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

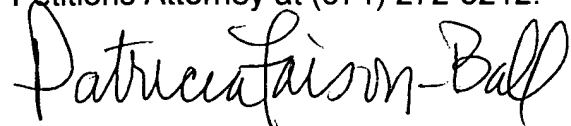
(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

This matter is being referred to Technology Center 3679 for processing of the RCE.

Telephone inquiries related to this decision should be directed to the undersigned
Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions